

RESOLUTION NO. 20050623-030

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or his successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: S. Thurman Blackburn, III

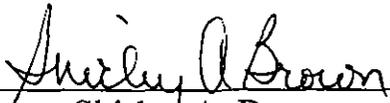
Project: North IH 35 Project; Windemere/Sarah's Creek Wastewater Extension Project

Intended Purpose: permanent wastewater line easement to increase and improve the City of Austin's ability to provide wastewater service to the public; and a temporary working space easement to install the wastewater line.

Location: South side of FM 1825 east of IH 35, Travis County, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:


Shirley A. Brown
City Clerk

S. Thurman Blackburn, III
To
City of Austin
(for Wastewater Easement)

Field Notes for 3822.01WWE

BEING 0.128 OF ONE ACRE OF LAND (5560 S.F.), MORE OR LESS, OUT OF AND A PART OF THE L. C. CUNNINGHAM SURVEY No. 63, ABSTRACT NO. 163 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO S. THURMAN BLACKBURN, III BY DEED FILED FOR RECORD ON JULY 2, 1992, RECORDED IN VOLUME 11720, PAGE 2286 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.128 OF ONE ACRE OF LAND (5560 S.F.) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING, at a 1/2 inch iron rod with MWM cap set in the southerly right-of-way line of F. M. 1825 (120' R.O.W.), same being in a northerly line of the tract conveyed to S. Thurman Blackburn, III by deed recorded in Volume 11720, Page 2286 of the Real Property Records Of Travis County, same also being with a curve to the left having a radius of 1018.83 feet, an angle of intersection of 13°38'01" and a chord bearing North 68°37'44" West, a distance of 241.86 feet along said right-of-way line from a TxDOT Type I concrete monument found at a point of tangency, for the Point of Beginning and the most easterly corner of the herein described tract of land having grid coordinates N=10137358.28, E=3139490.14;

- 1) THENCE, South 14°07'04" West, a distance of 227.35 feet, crossing said Blackburn tract to a calculated point in a southerly line of the remainder of said Blackburn tract, same being in the northeast line of Lot 18, Block A, of Sarah's Creek Section Six, recorded in Document No. 200000180 of the Official Public Records of Travis County, Texas, said lot conveyed to Tod A. and Ann-Marie Beardsley by deed recorded in Document No. 2001174885 of the Official Public Records of Travis County, Texas, for the most southerly corner of the herein described tract of land;
- 2) THENCE, North 62°02'57" West, a distance of 15.45 feet, with a southerly line of the remainder of said Blackburn tract, and the northeast line of said Lot 18, and the northeast line of Lot 19, Block A of said Sarah's Creek Section Six, conveyed to Francisco and Yordis Corcho Caballero by deed recorded in Document No. 2001161419 of the Official Public Records of Travis County, Texas, to a calculated point for the southwesterly corner of the herein described tract of land;
- 3) THENCE, leaving a southerly line of the remainder of said Blackburn tract and the northeast line of said Lot 19, North 14°07'04" East, a distance of 208.66 feet, crossing said Blackburn tract, to a 1/2 inch iron rod with MWM cap set for the point of curvature of a non-tangent circular curve to the left;
- 4) THENCE, along said curve to the left, having a radius of 1003.23 feet, an arc distance of 143.72 feet, an angle of intersection of 08°12'11" and a chord bearing North 80°23'48" West, a distance of 143.60 feet to a 1/2 inch iron rod with MWM cap set for the most westerly corner of the herein described tract of land;

5) THENCE, North 03°21'54" East, a distance of 15.01 feet, to a 1/2 inch iron rod with MWM cap set in the southerly right-of-way line of FM 1825, same being the northerly line of said Blackburn tract, for the point of curvature of a non-tangent circular curve to the right and the northwesterly corner of the herein described tract of land;

6) THENCE, with the southerly line of F.M. 1825, and a northerly line of the remainder of said Blackburn tract along said curve to the right, having a radius of 1018.83 feet, an arc distance of 161.53 feet, an angle of intersection of 09°05'03" and a chord of bearing South 79°59'16" East, a distance of 161.36 feet to the Point of Beginning and containing an area of 0.128 of one acre of land (5560 S.F.), more or less.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

8/6/04
Date



Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Drive
Austin, Texas 78752
(512) 453-0767

Bearing Basis: All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (HARN). All coordinates shown hereon are adjusted to surface by dividing grid coordinates by a combined adjustment factor of 0.9999. All distances shown are surface distances.

TCAD No.: 0274280903
CITY GRID No.: N37, N38

FIELD NOTES REVIEWED
By JOHN MOORE Date 8-06-2004
Engineering Support Section
Department of Public Works
and Transportation

THREE POINTS RD.
(R.O.W. VARIES)

POINT OF BEGINNING
N=10137358.28
E=3139490.14
GRID COORDINATES

$\Delta = 13'38'01''$
R = 1018.83'
A = 242.43'
T = 121.79'
C = 241.86'
CB = N68°37'44"W

SCALE:
1" = 60'

$\Delta = 09'05'03''$
R = 1018.83'
A = 161.53'
T = 80.94'
C = 161.36'
CB = S79°59'16"E

DRAINAGE AND
WATER QUALITY EASEMENT
DOC.# 2000090592
OPRTCT

FM 1825
(120' R.O.W.)
(PFLUGERVILLE AUSTIN HIGHWAY)

3822.01WWE
0.128 ACRES (5560 S.F.)

$\Delta = 08'12'11''$
R = 1003.83'
A = 143.72'
T = 71.98'
C = 143.60'
CB = N80°23'48"W

S. THURMAN BLACKBURN III
VOL. 11720 PG. 2286
RPRCT

LEGEND:

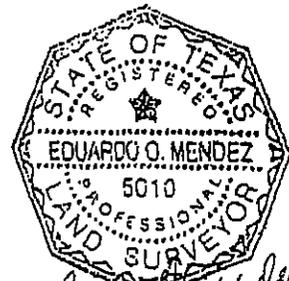
- IRON ROD FOUND
- IRON ROD W/ MWM CAP SET
- ▣ TXDOT TYPE I MONUMENT FOUND
- △ CALCULATED POINT
- () INDICATES RECORD DATA
- ▨ AREA OF EASEMENT

OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
RPRCT REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

THE COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (HARN). FOR SURFACE COORDINATES, DIVIDE BY 0.9999. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

CONTROL MONUMENTS:
AUSTIN RRP N=10086515.87, E=3109682.56, EL.=712.96
McGRAY & McGRAY #2 N=10093931.03, E=3108501.52, EL.=721.52



Eduardo O. Mendez
8/16/04

<p>MARTINEZ WRIGHT & MENDEZ Civil Engineering, Land Surveying, Association</p>	<p>CHEVY CHASE ONE 7750 Chevy Chase Drive Suite 100 - Austin, Texas 78752 Tel: 512-451-9977 Fax: 512-451-1721</p>	<p>SKETCH TO ACCOMPANY FIELD NOTES</p>	<p>DATE: 01 AUG 04 JOB NO: 2359A PLOT: 518Wright.mxd</p>
			<p>3</p>

S. Thurman Blackburn, III
To
City of Austin
(for Temporary Working Space Easement)

Field Notes for 3822.01TWSE

BEING 0.126 OF ONE ACRE OF LAND (5473 S.F.), MORE OR LESS, OUT OF AND A PART OF THE L. C. CUNNINGHAM SURVEY No. 63, ABSTRACT No. 163 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO S. THURMAN BLACKBURN, III, BY DEED FILED FOR RECORD ON JULY 2, 1992, RECORDED IN VOLUME 11720, PAGE 2286 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.126 OF ONE ACRE OF LAND (5473 S.F.) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING, at an 1/2 inch iron rod with MWM cap set in the southerly right-of-way (R.O.W.) line of FM 1825 (120' R.O.W.), same being in the northerly line of the tract conveyed to S. Thurman Blackburn, III by deed recorded in Volume 11720, Page 2286 of the Real Property Records Of Travis County, Texas, same also being with a curve to the left, having a radius of 1018.83 feet, an arc distance of 403.96 feet, an angle of intersection of 22°43'04" and a chord bearing North 73°10'15" West, a distance of 401.32 feet along said right-of-way line from a TxDOT Type I concrete monument found at a point of tangency, for the Point of Beginning and a northerly corner of the herein described tract of land having grid coordinates N=10137386.33, E=3139331.25;

- 1) THENCE, leaving the southerly right-of-way line of F. M. 1825 and a northerly line of said Blackburn tract, South 03°21'54" West, a distance of 15.01 feet, crossing said Blackburn tract to a 1/2 inch iron rod with MWM cap set at the point of curvature of a non-tangent circular curve to the right;
- 2) THENCE, along said curve to the right, having a radius of 1003.83 feet, an arc distance of 143.72 feet, an angle of intersection of 08°12'11", and a chord bearing South 80°23'48" East, a distance of 143.60 feet, to a 1/2 inch iron rod with MWM cap set for the most easterly corner of the herein described tract of land;
- 3) THENCE, South 14°07'04" West, a distance of 208.66 feet, to a calculated point in a southerly line of the remainder of said Blackburn tract, same being in the northeast line of Lot 19, Block A Sarah's Creek Section Six recorded in Document 200000180 of the Official Public Records of Travis County, Texas, said lot conveyed to Francisco and Yordis Corcho Caballero by deed recorded in Document 2001161419 of the Official Public Records of Travis County, Texas, for the most southerly corner of the herein described tract of land;
- 4) THENCE, North 62°02'57" West, a distance of 10.30 feet, with a southerly line of the remainder of said Blackburn tract, and the northeast line of said Lot 19, to a calculated point for the southwesterly corner of the herein described tract of land;
- 5) THENCE, leaving a southerly line of the remainder of said Blackburn tract and the northeast line of said Lot 19, North 14°07'04" East, a distance of 189.07 feet, crossing said Blackburn tract to a calculated point for the point of curvature of a non-tangent circular curve to the left;

6) THENCE, along said curve to the left, having a radius of 983.83 feet, an arc distance of 151.45 feet, an angle of intersection of $08^{\circ}49'13''$ and a chord bearing North $81^{\circ}17'46''$ West, a distance of 151.30 feet to a calculated point for the most westerly corner of the herein described tract of land;

7) THENCE, North $02^{\circ}29'31''$ East, a distance of 35.02 feet, to a calculated point in the southerly right-of-way line of F. M. 1825, same being in a northerly line of said Blackburn tract for the point of curvature of a non-tangent circular curve to the right and the northwest corner of the herein described tract of land;

8) THENCE with the southerly right-of-way line of F. M. 1825 and a northerly line of said Blackburn tract, along said curve to the right, having a radius of 1018.83 feet, an arc distance of 22.02 feet, an angle of intersection of $01^{\circ}14'19''$ and a chord bearing South $85^{\circ}08'56''$ East, a distance of 22.02 feet to the Point of Beginning and containing an area of 0.126 of one acre of land (5473 S.F.), more or less.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

8/25/04
Date



Martinez, Wright & Mendez, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723
(512) 453-0767

Bearing Basis:

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (HARN). All coordinates shown hereon are adjusted to surface by dividing grid coordinates by a combined adjustment factor of 0.9999. All distances shown are surface distances.

TCAD No.: 0274280903
CITY GRID No.: N37, N38

FIELD NOTES REVIEWED
By JOHN MOORE Date 8-26-2004
Engineering Support Section
Department of Public Works
and Transportation

$\Delta = 22'43'04''$
 $R = 1018.83'$
 $A = 403.96'$
 $T = 204.67'$
 $C = 401.32'$
 $CB = N73'10'15''W$

THREE POINTS RD.
(R.O.W. VARIES)

L. C. CUNNINGHAM SURVEY No. 63
ABSTRACT No. 163

SCALE:
1" = 60'

DRAINAGE AND
WATER QUALITY EASEMENT
DOC# 2000090592
OPRTCT

FM 1825
(PFLUGERVILLE AUSTIN HIGHWAY)
(120' R.O.W.)

3822.01TWSE
0.126 ACRES (5473 S.F.)

$\Delta = 08'12'11''$
 $R = 1003.83'$
 $A = 143.72'$
 $T = 71.98'$
 $C = 143.60'$
 $CB = S80'23'48''E$

$\Delta = 08'49'13''$
 $R = 983.83'$
 $A = 151.45'$
 $T = 75.88'$
 $C = 151.30'$
 $CB = N81'17'46''W$

18 TOD A.
ANN MARIE
BEARDSLEY
DOC.# 2001174883
OPRTCT

19 FRANCISCO &
YORDIS CORCHO
CABALLERO
DOC.# 2001161419
OPRTCT

20 JOSHUA MILBERGER &
MELISA DELGADILLO
DOC.# 2001148164
OPRTCT

S. THURMAN BLACKBURN III
VOL. 11720 PG. 2286
RPRTCT

SARAH'S CREEK SECTION SIX
DOC.# 200000180
OPRTCT

BLOCK A

$\Delta = 01'14'19''$
 $R = 1018.83'$
 $A = 22.02'$
 $T = 11.01'$
 $C = 22.02'$
 $CB = S85'08'56''E$

LEGEND:

- IRON ROD FOUND
- 1/2" IRON ROD W/ MWM CAP SET
- TXDOT TYPE I MONUMENT FOUND
- △ CALCULATED POINT
- () INDICATES RECORD DATA

POINT OF BEGINNING
N=10137386.33
E=3139331.25
(GRID COORDINATES)

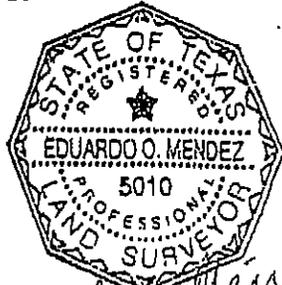
RPRTCT REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

 AREA OF EASEMENT

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CONTROL MONUMENTS:
AUSTIN RRP N=10086515.87, E=3109682.56, EL.=712.96
McGRAY & McGRAY #2 N=10093931.03, E=3108501.52, EL.=721.62



Eduardo O. Mendez
2/25/04



CHEVY CHASE ONE
7700 Chevy Chase Drive
Suite 100, Dallas, Texas 75235
PH: 972-232-2222, FX: 972-232-1121

SKETCH TO ACCOMPANY
FIELD NOTES

DATE: 24 AUG 04
JOB NO. 2332A
P.L.S. SET: 2332A.dwg

3

TRAVIS COUNTY, TEXAS